

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DIANA CRUZ,	:	
	:	
Plaintiff,	:	
	:	19 Civ. 7474 (LGS)
-against-	:	
	:	<u>ORDER</u>
COMMISSIONER OF SOCIAL SECURITY,	:	
Defendant.	:	
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LORNA G. SCHOFIELD, District Judge:

WHEREAS, on August 9, 2019, Plaintiff commenced this action. (Dkt. No. 1.) The parties filed cross-motions for judgment on the pleadings. (Dkt. Nos. 13, 17.) On August 14, 2022, Magistrate Judge Kevin Fox issued a report and recommendation, recommending remand for further proceedings under sentence six of 42 U.S.C. § 405(g). (Dkt. No. 20.) On August 31, 2020, this Court adopted Judge Fox’s report and recommendation and directed remand. (Dkt. No. 21.)

WHEREAS, following further administrative proceedings, on November 10, 2021, Plaintiff filed a motion for judgment on the pleadings. (Dkt. No. 39.) On December 29, 2021, the case was reassigned from Judge Fox to Magistrate Judge Gary Jones. On February 14, 2022, Defendant filed a cross-motion for judgment on the pleadings. (Dkt. No. 43.)

WHEREAS, on April 11, 2022, Judge Jones issued a Report and Recommendation (the “Report”), recommending that Plaintiff’s motion for judgment on the pleadings be granted, the Commissioner’s motion for judgment on the pleadings be denied and the case be remanded for calculation of benefits on sentence four of Section 405(g) of the Social Security Act. (Dkt. No. 48.)

WHEREAS, as stated in the Report, the deadline for any objections was fourteen days from service of the Report. (Dkt. No. 48.)

WHEREAS, no objections were timely filed.

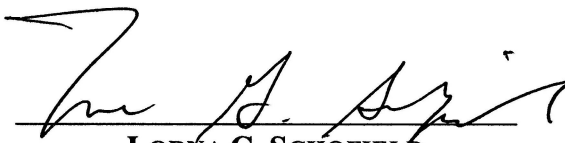
WHEREAS, in reviewing a Magistrate Judge's Report and Recommendation, a District Judge "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). "When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Fed. R. Civ. P. 72(b) Advisory Committee Notes; *see Albanese v. Comm'r of Soc. Sec.*, No. 20 Civ. 8079, 2022 WL 929837, at \*1 (S.D.N.Y. Mar. 29, 2022) (applying clear error standard to a report and recommendation on a motion for judgment on the pleadings).

WHEREAS, upon review of Judge Jones's thorough and well-reasoned Report, the Court finds no error, clear or otherwise. It is hereby

**ORDERED** that the Report is **ADOPTED** in its entirety as the opinion of the Court. For the reasons stated in the Report, Plaintiff's motion for judgment on the pleadings is **GRANTED**, Defendant's motion for judgment on the pleadings is **DENIED**, and this case is remanded for calculation of benefits.

The Clerk of Court is respectfully requested to close the motions at Dkt. Nos. 39 and 43.

Dated: June 3, 2022  
New York, New York



**LORNA G. SCHOFIELD**  
**UNITED STATES DISTRICT JUDGE**